

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MELISSA LEE,

3:13-cv-02033-ST

Plaintiff,

ORDER

v.

COLUMBIA COLLECTION
SERVICES, INC.,

Defendant.

BROWN, Judge.

Magistrate Judge Janice M. Stewart issued Findings and Recommendation (#62) on January 9, 2015, in which she recommends the Court deny Defendant's Motion (#24) for Summary Judgment and grant Defendant's Motion (#54) for Imposition of Sanctions. Defendant filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to

28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

I. Portions of the Findings and Recommendation to which Defendant does not object.

Defendant does not object to the portions of the Finding and Recommendation in which the Magistrate Judge recommends the Court grant Defendant's Motion for Sanctions.

When a party does not object to portions of a Magistrate Judge's Findings and Recommendation, this Court is relieved of its obligation to review the record *de novo* as to those portions of the Findings and Recommendation. See *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*). Having reviewed the legal principles *de novo* as to those portions of the Findings and Recommendation to which the parties do not object, the Court does not find any error.

II. Portions of the Findings and Recommendation to which Defendant objects.

Defendant objects to the portion of the Findings and Recommendation in which the Magistrate Judge recommended the Court deny Defendant's Motion for Summary Judgement on the basis that a genuine dispute of material fact exists as to whether Plaintiff's claims are barred by the one-year statute of limitations in the Fair Debt Collection Practices Act (FDCPA).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make

a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). *See also Dawson*, 561 F.3d at 932; *Reyna-Tapia*, 328 F.3d at 1121.

In its Objections Defendant merely reiterates the arguments contained in her memoranda in support of her Motion for Summary Judgment. This Court has carefully considered Defendant's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Stewart's Findings and Recommendation (#62) and, therefore, **DENIES** Defendant's Motion (#24) for Summary Judgment.

The Court also **GRANTS** Defendant's Motion (#54) for Imposition of Sanctions and, accordingly, orders Plaintiff's Counsel, Joshua R. Trigsted, to pay (1) the full amount of the court reporter's charges for the deposition of Ms. Hughes; (2) the attorneys' fees incurred by Defendant in connection with its Motion for Sanctions; and (3) an additional monetary sanction of \$500.00. The Court grants Defendant leave to submit a supplemental petition for attorneys' fees and deems timely the Supplemental Petition (#64) for Attorney Fees filed January 14,

2015. The Court will consider the Findings and Recommendation (#71) of Magistrate Judge Stewart issued February 11, 2015, in due course.

IT IS SO ORDERED.

DATED this 23rd day of February, 2015.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge